

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN  
APPLICATION DATA SHEET (37 CFR 1.76)**

<b>Title of Invention</b>	<b>MODIFIED RELEASE COMPOSITIONS OF MILNACIPRAN</b>
<p>As the below named inventor(s), I/we declare that:</p> <p>This declaration is directed to:</p> <p><input type="checkbox"/> The attached application, or</p> <p><input checked="" type="checkbox"/> Application No. <u>10/690,947</u>, filed on <u>October 22, 2003</u>,</p> <p><input type="checkbox"/> as amended on _____ (if applicable);</p> <p>I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;</p> <p>I/we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;</p> <p>I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT International filing date of the continuation-in-part application.</p> <p>All statements made herein of my/own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.</p>	

<b>FULL NAME OF INVENTOR(S)</b>	
Inventor one:	Jane Hirsh
Signature:	<u>Jane Hirsh</u> Citizen of: <u>U.S.A.</u>
Inventor two:	Roman V. Rariy
Signature:	<u>Roman V. Rariy</u> Citizen of: <u>Russia</u>
Inventor three:	Shubha Chungi
Signature:	<u>Shubha Chungi</u> Citizen of: <u>U.S.A.</u>
Inventor four:	Michael Heffernan
Signature:	<u>Michael Heffernan</u> Citizen of: <u>U.S.A.</u>
<input checked="" type="checkbox"/> Additional inventors or a legal representative are being named on <u>one</u> additional form(s) attached hereto.	

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1 minute to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

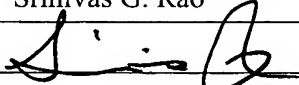
If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

CP 107M (1) - 085337/00012

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN  
APPLICATION DATA SHEET (37 CFR 1.76)**

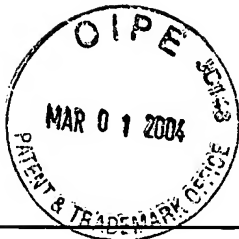
<b>Title of Invention</b>	<b>MODIFIED RELEASE COMPOSITIONS OF MILNACIPRAN</b>
As the below named inventor(s), I/we declare that:	
This declaration is directed to:	
<input type="checkbox"/> The attached application, or	
<input checked="" type="checkbox"/> Application No. <u>10/690,947</u> , filed on <u>October 22, 2003</u> ,	
<input type="checkbox"/> as amended on _____ (if applicable);	
I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;	
I/we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;	
I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT International filing date of the continuation-in-part application.	
All statements made herein of my/own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.	

<b>FULL NAME OF INVENTOR(S)</b>	
Inventor one:	<u>Srinivas G. Rao</u>
Signature: <u></u>	Citizen of: <u>U.S.A.</u>
Inventor two: _____	
Signature: _____	Citizen of: _____
Inventor three: _____	
Signature: _____	Citizen of: _____
Inventor four: _____	
Signature: _____	Citizen of: _____
<input type="checkbox"/> Additional inventors or a legal representative are being named on _____ additional form(s) attached hereto.	

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1 minute to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

CP 107M (1) - 085337/00012



**POWER OF ATTORNEY  
and  
CORRESPONDENCE ADDRESS  
INDICATION FORM**

Application Number	10/690,947
Filing Date	October 22, 2003
First Named Inventor	Jane Hirsh
Title	Modified Release Compositions of Milnacipran
Art Unit	
Examiner Name	
Attorney Docket Number	CP 107M (1)

I hereby appoint:

☒ Practitioners at Customer Number:

23579

OR

☐ Practitioner(s) named below:

Name	Registration Number
Patrea L. Pabst	31,284
Rivka D. Monheit	48,731
Todd S. Hofmeister	53,029

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please recognize or change the correspondence address for the above-identified application to:

☒ The above-mentioned Customer Number:

OR

☐ The address associated with Customer Number:

23579

OR

<input type="checkbox"/> Firm or Individual Name	Patrea L. Pabst; Holland & Knight LLP				
Address	Suite 2000, One Atlantic Center				
Address	1201 West Peachtree Street, N.E.				
City	Atlanta	State	GA	Zip	30309-3400
Country	USA				
Telephone	(404) 817-8473	Fax	(404) 817-8588		

I am the:

☐ Applicant/Inventor.

☒ Assignee of record of an undivided joint interest. See 37 CFR 3.71.  
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

**SIGNATURE of Applicant or Assignee of Record**

Name	Jane Hirsh	On behalf of Collegium Pharmaceutical, Inc.		
Signature	[Signature]			
Date	2-17-2004	Telephone	1-401-760-2000	

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

☒ \*Total of two forms are submitted.



**STATEMENT UNDER 37 CFR 3.73(b)**

Applicant/Patent Owner: Jane Hirsh, Roman V. Rariy, Shubha Chungi, Michael Heffernan, and Srinivas G. Rao

Application No./Patent No.: 10/690,947 Filed/Issue Date: October 22, 2003

Entitled: Modified Release Compositions of Milnacipran

Collegium Pharmaceutical, Inc., a corporation of the State of Delaware  
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of an undivided joint interest; or
2. ☐ an assignee of less than the entire right, title and interest.  
The extent (by percentage) of its ownership interest is \_\_\_\_\_ %  
in the patent application/patent identified above by virtue of either:

A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ Copies of assignments or other documents in the chain of title are attached.  
[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

2-17-2004  
Date  
1-401-762-2000  
Telephone number

Jane C I Hirsh  
Typed or printed name  
Mrs Jane C.I Hirsh  
Signature  
Principal  
Title

## ASSIGNMENT

We, Jane Hirsh of 15 Peirce Road, Wellesley, Massachusetts 02581; Roman V. Rariy of 245 Kelton Street, Allston, Massachusetts 02134; Shubha Chunghi of 233 Walomolopoag Street, Sharon, Massachusetts 02067; and Michael Heffernan of 41 Garrison Road, Hingham, Massachusetts 02043, in consideration of ten dollars and other valuable consideration paid to us by Collegium Pharmaceutical, Inc., a corporation of the State of Delaware, having its principal place of business at 400 Highland Corporate Drive, Cumberland, Rhode Island 02864 (hereinafter "said Assignee"), the receipt of which is hereby acknowledged, do hereby sell, assign and transfer unto said Assignee, its successors and assigns, an undivided joint interest for the United States of America, and its territories and all foreign countries and jurisdictions, including all rights of priority under the International Convention for the Protection of Industrial Property, in a certain invention or improvement in "*Modified Release Compositions of Milnacipran*" described in U.S. Serial No. 10/690,947 filed in the United States Patent and Trademark Office on October 22, 2003, by Jane Hirsh, Roman V. Rariy, Shubha Chunghi, Michael Heffernan, and Srinivas G. Rao, and in the provisional applications to which priority is claimed, being U.S. Provisional Application Serial Nos. 60/421,640 filed on October 25, 2002; 60/431,626 filed on December 5, 2002; 60/431,627 filed on December 5, 2002; 60/431,861 filed on December 9, 2002; 60/431,906 filed on December 9, 2002; 60/443,618 filed on January 29, 2003; 60/458,994 filed on March 28, 2003; 60/458,995 filed on March 28, 2003; and 60/459,061 filed on March 28, 2003, and in all Letters Patent of the United States and its territories and all foreign countries and jurisdictions which may or shall be granted on said invention, or any parts thereof, or on said application, or any provisional, divisional, continuation, continuation-in-part, reissue, or other applications based in whole or in part thereon. And we agree, for ourselves and our executors and administrators, with said Assignee and its successors and assigns, but at its or their expense or charges, hereafter to execute all applications, amended specifications, deeds or other instruments, and to do all acts necessary or proper to secure the grant of Letters Patent in the United States and its territories and in all other foreign countries and jurisdictions to said Assignee, with specifications and claims in such form as shall be approved by the counsel of said Assignee, and to vest and confirm in said Assignee, its successors and assigns, the legal title to all such patents.

Title: "Modified Release Compositions of Milnacipran"

By: Jane Hirsh, Roman V. Rariy, Shubha Chunghi, Michael Heffernan, and Srinivas G. Rao

Filed: October 22, 2003

ASSIGNMENT

And we do hereby authorize and request the Commissioner of Patents and Trademarks of the United States to issue such Letters Patent as shall be granted upon said application or applications based thereon to said Assignee, its successors and assigns.

WITNESS my hand and seal this 12<sup>th</sup> day of February, 2004.

Jane Hirsh  
Jane Hirsh

State of Massachusetts  
County of Plymouth

Then personally appeared the above named Jane Hirsh and acknowledged the foregoing instrument to be her free act and deed, before me this 12<sup>th</sup> day of February, 2004.

Nancy J. Gustafson  
Notary Public

My Commission expires: My Commission Expires March 4, 2005

Title: "Modified Release Compositions of Milnacipran"

By: Jane Hirsh, Roman V. Rariy, Shubha Chungi, Michael Heffernan, and Srinivas G. Rao

Filed: October 22, 2003

ASSIGNMENT

WITNESS my hand and seal this 12<sup>th</sup> day of February, 2004.

Roman V. Rariy  
Roman V. Rariy

State of Massachusetts  
County of Plymouth

Then personally appeared the above named Roman V. Rariy and acknowledged the foregoing instrument to be his free act and deed, before me this 12<sup>th</sup> day of February, 2004.

Dana J. Gustafson  
Notary Public

My Commission expires: My Commission Expires March 4, 2005

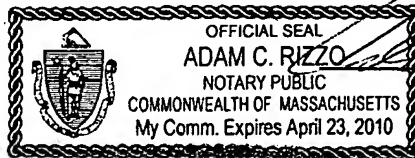
Title: "Modified Release Compositions of Milnacipran"  
By: Jane Hirsh, Roman V. Rariy, Shubha Chunghi, Michael Heffernan, and Srinivas G. Rao  
Filed: October 22, 2003  
ASSIGNMENT

WITNESS my hand and seal this 20<sup>th</sup> day of January, 2004.

Shubha Chunghi  
Shubha Chungi

Commonwealth of Massachusetts  
County of NORFOLK

Then personally appeared the above named Shubha Chunghi and acknowledged the foregoing instrument to be his/her free act and deed, before me this 20<sup>th</sup> day of January, 2004.



My Commission expires: \_\_\_\_\_

Adam C. Rizzo  
Notary Public



Title: "Modified Release Compositions of Milnacipran"

By: Jane Hirsh, Roman V. Rariy, Shubha Chunghi, Michael Heffernan, and Srinivas G. Rao

Filed: October 22, 2003

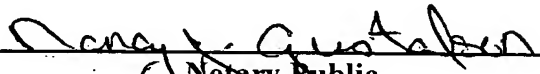
ASSIGNMENT

WITNESS my hand and seal this 12th day of February, 2004.

  
\_\_\_\_\_  
Michael Heffernan

State of Massachusetts  
County of Dorchester

Then personally appeared the above named Michael Heffernan and acknowledged the foregoing instrument to be his free act and deed, before me this 12th day of February, 2004.

  
\_\_\_\_\_  
Notary Public

My Commission expires: \_\_\_\_\_  
My Commission Expires March 4, 2005

# 1489218\_v1



**POWER OF ATTORNEY  
and  
CORRESPONDENCE ADDRESS  
INDICATION FORM**

Application Number	10/690,947
Filing Date	October 22, 2003
First Named Inventor	Jane Hirsh
Title	Modified Release Compositions of Milnacipran
Art Unit	
Examiner Name	
Attorney Docket Number	CP 107M (1)

I hereby appoint:



Practitioners at Customer Number:

**23579**

OR



Practitioner(s) named below:

Name	Registration Number
Patrea L. Pabst	31,284
Rivka D. Monheit	48,731
Todd S. Hofmeister	53,029

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please recognize or change the correspondence address for the above-identified application to:



The above-mentioned Customer Number:

OR



The address associated with Customer Number:

**23579**

OR

<input type="checkbox"/> Firm or Individual Name	Patrea L. Pabst; Holland & Knight LLP				
Address	Suite 2000, One Atlantic Center				
Address	1201 West Peachtree Street, N.E.				
City	Atlanta	State	GA	Zip	30309-3400
Country	USA				
Telephone	(404) 817-8473	Fax	(404) 817-8588		

I am the:



Applicant/Inventor.



Assignee of record of an undivided joint interest. See 37 CFR 3.71.  
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

**SIGNATURE of Applicant or Assignee of Record**

Name	Srinivas Rao			On behalf of Cypress Bioscience, Inc.	
Signature					
Date	1/28/04	Telephone	858 462 2357		

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.



\*Total of two forms are submitted.



**STATEMENT UNDER 37 CFR 3.73(b)**

Applicant/Patent Owner: Jane Hirsh, Roman V. Rariy, Shubha Chungi, Michael Heffernan, and Srinivas G. Rao

Application No./Patent No.: 10/690,947 Filed/Issue Date: October 22, 2003

Entitled: Modified Release Compositions of Milnacipran

Cypress Bioscience, Inc., a corporation of the State of Delaware  
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of an undivided joint interest; or
2. ☐ an assignee of less than the entire right, title and interest.  
The extent (by percentage) of its ownership interest is \_\_\_\_\_ %  
in the patent application/patent identified above by virtue of either:

A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

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The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

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The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

11/28/04  
Date  
858 452 2323  
Telephone number

Srinivas Rao  
Typed or printed name  
[Signature]  
Signature  
Chief Scientific Officer  
Title

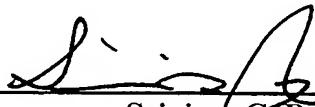
## ASSIGNMENT

I, Srinivas G. Rao of 11590 Jaguar Court, San Diego, California 92131, in consideration of ten dollars and other valuable consideration paid to me by Cypress Bioscience, Inc., a corporation of the State of Delaware, having its principal place of business at 4350 Executive Drive, San Diego, California 92121 (hereinafter "said Assignee"), the receipt of which is hereby acknowledged, do hereby sell, assign and transfer unto said Assignee, its successors and assigns, an undivided joint interest for the United States of America, and its territories and all foreign countries and jurisdictions, including all rights of priority under the International Convention for the Protection of Industrial Property, in a certain invention or improvement in "*Modified Release Compositions of Milnacipran*" described in U.S. Serial No. 10/690,947 filed in the United States Patent and Trademark Office on October 22, 2003, by Jane Hirsh, Roman V. Rariy, Shubha Chunghi, Michael Heffernan, and Srinivas G. Rao, and in the provisional applications to which priority is claimed, being U.S. Provisional Application Serial Nos. 60/421,640 filed on October 25, 2002; 60/431,626 filed on December 5, 2002; 60/431,627 filed on December 5, 2002; 60/431,861 filed on December 9, 2002; 60/431,906 filed on December 9, 2002; 60/443,618 filed on January 29, 2003; 60/458,994 filed on March 28, 2003; 60/458,995 filed on March 28, 2003; and 60/459,061 filed on March 28, 2003, and in all Letters Patent of the United States and its territories and all foreign countries and jurisdictions which may or shall be granted on said invention, or any parts thereof, or on said application, or any provisional, divisional, continuation, continuation-in-part, reissue, or other applications based in whole or in part thereon. And I agree, for myself and my executor and administrator, with said Assignee and its successors and assigns, but at its or their expense or charges, hereafter to execute all applications, amended specifications, deeds or other instruments, and to do all acts necessary or proper to secure the grant of Letters Patent in the United States and its territories and in all other foreign countries and jurisdictions to said Assignee, with specifications and claims in such form as shall be approved by the counsel of said Assignee, and to vest and confirm in said Assignee, its successors and assigns, the legal title to all such patents.

Title: "Modified Release Compositions of Milnacipran"  
By: Jane Hirsh, Roman V. Rariy, Shubha Chungi, Michael Heffernan, and Srinivas G. Rao  
Filed: October 22, 2003  
ASSIGNMENT

And I do hereby authorize and request the Commissioner of Patents and Trademarks of the United States to issue such Letters Patent as shall be granted upon said application or applications based thereon to said Assignee, its successors and assigns.

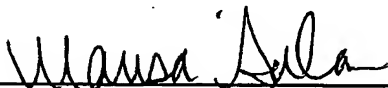
WITNESS my hand and seal this 28 day of January, 2004.

  
\_\_\_\_\_  
Srinivas G. Rao

State of California )  
County of San Diego )

Then personally appeared the above named Srinivas G. Rao and acknowledged the foregoing instrument to be his free act and deed, before me this 28<sup>th</sup> day of January, 2004.



  
\_\_\_\_\_  
Notary Public

My Commission expires: May 6, 2007